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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,011	01/23/2006	Gilles Dumortier	0579-1105	5760

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2618

NOTIFICATION DATE	DELIVERY MODE
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10/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/550,011	Applicant(s) DUMORTIER, GILLES	
	Examiner YUWEN PAN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 14, 17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) 6, 8-14, 19, 20, 22, 23, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7, 21 and 25-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response to Arguments

1. Applicant's arguments filed on 08/16/10 have been fully considered but they are not persuasive. The applicant argues that prior art of record does not teach "storing in said communication management unit a message intended for at least one of said microcircuit cards upon the addressee microcircuit card being temporarily out of the radius of action of the communication management unit". The examiner respectfully disagrees. From original point of view, the examiner interprets the partners of user A of Gorday (see figure 1 and 20) as the communication management unit in which is able to provide communication/relay between the base station and the user A (see column 4 and lines 37-38). One of ordinary skill in the art knows that the partners act like a group of base stations that are able provide communication between two nodes in a local coverage. Gorday is silent about what if the user A is out range of the partner and the designated message for the user A has arrived at the partner. This is when the Ghirnkar reference comes in the picture. Ghirnkar's teaching suggest that the partner who received the designated message for the user A can temporarily store the message and would not forward to the user A until user A in range. The examiner believes that it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the references in order to perfect Gorday's system such that the message would not be discarded and/or retransmitted. From another perspective, the examiner can interpret the base station of Gorday as the communication management unit and one of the partners and user A as the microcircuit card. When the base station tries to forward a message to the user A and the user A is out of range, obviously the base station would temporarily save the message and would not

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forward to the user A until the user A is back to the coverage of the base station based on the teaching Ghirnikar reference. Based on foregoing reasons, the previous rejections stand.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 2, 4, 5, 7, 17, 21, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Gorday et al (US006665521B1), hereinafter Gorday in view of Kotzin (US00686501B2) and in further view of Ghirnikar et al (US006216001B1, hereinafter Ghirnikar).

Per claim 1, Gorday discloses a method of communicating between at least two wireless devices (see figure 2 and item 34 and 36, column 2 and lines 46-52) having contact less communication means (wireless) , said method comprising: using a communication management unit (active partner) to control at least part of the process of communication between said at least two wireless devices (between base station and desired mobile unit), said communication management unit employing a command-response protocol (either the primary or second protocol) to communication with said wireless devices, upon said wireless devices (desired unit) being within a radius of action of said communication management unit; storing in said communication management unit a list of said wireless devices (see column 3 and lines 09-28)

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that are within the radius of action of said communication management unit (see figures 1 and 2, column 5 and lines 24-45)

Gorday does not teach that the wireless devices are microcircuit cards having contact less communication means. Kotzin teaches that the wireless devices are microcircuit cards having contact less communication means (see figure 2 and item 273 and 275, or removable card item 360). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to increase radio modules with single wireless devices. Combination of Gorday and Kotzin does not expressly teach that microcircuit cards are at least one of a proximity card with a 10cm range and vicinity card with a 70cm range.

Combination of Gorday and Kotzin does not expressly teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means. Ghirnikar teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means (see column 4 and lines 16-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ghirnikar with Gorday's system to reduce the redundancy of retransmission and save resource.

Same arguments apply, *mutatis mutandis*, to claim 25.

Per claim 2, Gorday further teaches that said wireless device constitute a network of acquaintances (see column 2 and lines 40-45, partners).

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Per claim 4, Gorday further teaches that each of said at least two electronic entities is associated with a unique identifier (address of each cooperative partner, see figure 3 and item 308).

Per claim 5, Gorday further teaches that each identifier is associated with a service or family code (cooperative diversity network, column 2 and lines 40-50).

Per claim 7, Gorday further teaches that said list includes a new electronic entity, it includes a step of adding the new electronic entity to said network of acquaintances and a function of at least one predetermined criterion (see column 2 and lines 60-column 3 and line 28).

Per claim 10, Gorday further teaches that it involves at least three electronic entities and in that said communication management means are combined with one of said electronic entities (see figure 1, items 12 and 29).

Per claims 17, Gorday further teaches GSM in which inherently use SIM card as microcircuit card for secure purpose (see column 1 and lines 18).

Per claim 21, Gorday further teaches that it ensures continuity of communication involving one of said electronic entities and antenna from a plurality of antennas connected to the communication management means when said electronic entity moves in such a manner that said communication involves another antenna from said plurality of antennas (see column 3 and

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lines 51-column 4 and lines 29, diversity in which utilize any partner's antenna to receive same information to improve the source's gain).

Per claim 25, Gorday discloses a communication system (see figure 1): at least two wireless devices (see figure 2 and item 34 and 36); a communication management unit (see item 29) that employs a command response protocol (scanning and discovery, see column 2 and lines 20-39) to communication with said at least two wireless devices, said management communication unit having stored therein a list of said wireless devices (partners) wirelessly communication with the said communication management unit (see 2 and lines 20-45), wherein the at least one of said electronic entities (partner 4) communication with said communication management unit (item 29) using a wireless technology (secondary protocol). Gorday does not teach that the wireless devices are microcircuit cards having contact less communication means. Kotzin teaches that the wireless devices are microcircuit cards having contact less communication means (see figure 2 and item 273 and 275, or removable card item 360). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to increase radio modules with single wireless devices.

Combination of Gorday and Kotzin does not expressly teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means. Ghirnikar teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means (see column 4 and lines 16-37). It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to combine the teaching of Ghirnkar with Gorday's system to reduce the redundancy of retransmission and save resource.

Per claim 26, Gorday further teaches that said list of partners in the communication management means includes a list of all said wireless devices in communication with the communication management means separate from a list of said microcircuit cards in communication with other said microcircuit cards (see figure 2 user E is communicating with the management means and separate from other wireless device such as user G).

4. Claim 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday and Kotzin in view of Applicant's Admitted Prior Art (hereinafter Admission).

Combination of Gorday and Kotzin does not expressly teach that microcircuit cards are at least one of a proximity card with a 10cm range and vicinity card with a 70cm range. Admission teaches such limitation as part of ISO/IEC 14443 standard and 18000 standards. (see page 3 lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Admission with the combination of Gorday and Kotzin in order to provide short communication link between the user A and one of partner as in figure 1 of Gorday).

Same arguments apply, *mutatis mutandis*, to claim 28.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUWEN PAN whose telephone number is (571)272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yuwen Pan/
Primary Examiner, Art Unit 2618